

## REMARKS

Claims 3 - 13 and 18 - 19 are pending in the application.

Claims 1, 2, and 14 - 17 have been cancelled. New independent claim 18 and dependent claim 19 have been added. Claims 3, 5, 7 and 11 - 13 have been amended to depend from new independent claim 18.

The specification has been amended to correct typographical errors.

The application in its amended state is believed to be in condition for allowance. However, should the Examiner have any comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE:**

Claims 1, 2, and 14 - 17 have been cancelled.

Claims 3, 5, 7, and 11 - 13 have been amended to read as follows:

3. (Once Amended) A method according to claim [2] 18, wherein said solvent is selected from the group consisting of hexane, pentane, butane, propane and other non-polar solvents having a boiling point of  $\leq 64^{\circ}\text{C}$ .

5. (Once Amended) A method according to claim [2] 18, wherein said step of providing capsicum in powder form comprises removing stems and seeds from capsicum pods and then grinding said pods.

7. (Once Amended) A method according to claim [2] 18, wherein said liquid solution is heated until the solvent content thereof is reduced to  $\leq 1\%$  by volume.

11. (Once Amended) A method according to claim [2] 18, wherein said liquid solution is brought to atmospheric pressure.

12. (Once Amended) A method according to claim [2] 18, which further includes the step of separating a liquid solution of capsicum in said solvent from any solid or non-dissolved material.

13. (Once Amended) A method according to claim [2] 18, wherein said step of separating comprises filtering to remove any solid or non-dissolved material.

Please add claims 18 and 19.

18. (New) A method of providing an essential oil extract of capsicum, wherein the extract contains capsaicinoid and terpene, said method including the steps of:

providing capsicum in powder form;

mixing said capsicum with a solvent to dissolve at least some of the

capsicum; and

during or after said mixing step, bringing a liquid solution of capsicum in said solvent to a temperature of  $\leq 64^{\circ}\text{C}$  to significantly reduce the solvent content thereof and produce an essential oil extract that contains capsaicinoid and terpene.

19. (New) A method according to claim 18, wherein said essential oil extract contains a naturally occurring capsaicinoid to terpene ratio.